

Francis G. Jacobs, *The European Convention on Human Rights*. (Oxford: Clarendon Press, 1975. £7.25.)

Pontifical Commission "Justitia et Pax," *The Church and Human Rights*. (Vatican City, Working Paper No. 1, 1975.)

Catholic Commission for Justice and Peace in Rhodesia, *The Man in the Middle: Torture, Resettlement and Eviction*. (Catholic Institute for International Relations, London, 1975. 50p.)

Amnesty International, *Report on Torture*. (Second Edition, London, Duckworth, 1975. £1.50.)

Hernán Valdés, *Diary of a Chilean Concentration Camp*. (London, Gollancz, 1975. £2.00.)

The immediate past two recipients of the Nobel Peace Prize have been closely associated with human rights, yet human rights today, although paid lip service to by all, are increasingly under attack as these publications clearly show.

If human rights are to be effectively protected, it is essential that people be aware of what their rights are; for too long has the subject been clouded in legal phraseology. For this reason the book, *The European Convention on Human Rights* by Professor Jacobs of Kings College, London, must be given an unqualified welcome. In his preface Professor Jacobs remarks, "It has been said that the European Convention on Human Rights has generated a greater volume of writing than any other legal text except the EEC Treaty." Yet few texts are so little understood by the people whose rights it purports to protect, even though the Convention now binds all 18 member states of the Council of Europe. The author discusses the Articles of the Convention in language understandable by all and a special short section is devoted to Results and Prospects. According to Professor Jacobs: "the system has proved workable . . . however qualified its success. It has shown that the individual can be accepted as a proper subject of international law . . . (and) that States are prepared to amend their laws, on matters falling within their domestic jurisdiction, to comply with the opinions and judgments of international tribunals" (p. 272). He claims that governments, though still hesitant, are increasingly prepared to accept the services of the Convention as an instrument to remedy deficiencies in their own systems of law. He is more sceptical about the advantages of its system of inter-state applications and says: "It is a well-known fact of political life that States are unlikely to be disinterested and to bring applications for purely humanitarian motives" (p. 273). The question of the Greek cases is generally accepted as one where there was no political motive, although some would question this, and it raises the basic dilemma regarding human rights. If the overriding principle is to protect human rights, then it is axiomatic always to have access to the authorities of any state where human rights are under attack. It could be claimed that by forcing Greece to withdraw from the Council of Europe

the Commission secured a great moral victory, but were human rights protected? It is interesting to compare the stand of the International Labour Organisation and the Commission in regard to Greece under the Colonels. Many would argue that the ILO, by maintaining contact with the Colonels, achieved more protection for Greek human rights than the Commission. No less an expert than Sørensen referred to the Commission's "victory" as "a lost opportunity" because the Athens régime freed itself from a number of international obligations which restricted its freedom of action, and the large number of people outside Greece who had tried to make these obligations effective were left with their aims unaccomplished. Professor Jacobs suggests that: "concerted action with other international organisations, in particular through NATO and the European Communities, might well have had more impact" (p. 270). Concerning NATO, I think not: there remain many unanswered questions regarding the role of NATO, or certain members of the alliance, and the Greek coup. Despite the provisions concerning human rights in the preamble and Article 1 of the NATO Treaty, the European Economic Community emerged from the whole sorry mess of Greece under the Colonels with more credit than NATO.

It is often claimed that the European Convention on Human Rights provides the most sophisticated protection of human rights now in force. Its achievements give strength to the argument that human rights can be fully protected only on a regional level and in regions of a high degree of political sophistication.

As lawyers become aware of how embracing the European Convention can be, there will be more cases. Unfortunately, the most disadvantaged in society are usually those most in need of protection and those least likely to know about the provisions of the European Convention. If this book can make the provisions of the Convention better known, then it fulfils a useful purpose.

Although critical of many of the Articles, the author claims that: "to some extent the defects of drafting have been remedied by the substantive body of case-law developed by the Commission." This is especially so in the increasingly widespread interpretation of the Convention. The Commission has moved far from its earlier conservative rulings, and such anomalies as "the margin of appreciation" have been largely dropped. This is not to say that there is no room for improvement; there are areas relating to human rights which the European Convention has not, as yet, started to come to terms with.

Professor Jacob's book is one of the most comprehensive and informative writings published to date on this important area of international law. The book deserves a wider readership than those studying human rights and would be a useful addition to the literature of any student of European integration.

Voltaire, anonymously writing a work entitled *God and Man* in the eighteenth century, listed what he called "Christian barbarities." It was his conclusion that from the time of Christ until his own day Christianity was accountable for 9,468,800 deaths. While one might

question his exact figure, few would disagree that Christianity has much to answer for. The religions of the world today generally are engaged in defending human rights rather than abusing them. Well to the fore in matters of human rights has been the National Commission of Justice and Peace of the Roman Catholic Church, operating in 72 countries. *The Church and Human Rights* is the first in a series of working papers which the Pontifical Commission "Justitia et Pax" is offering to National Commissions and others interested in problems of justice and peace to encourage Christians through commitments and initiatives to redefine, defend and promote human rights on the national and international plane.

As such it offers nothing new; indeed the publications from various National Commissions are much more to the point as well as often covering subjects that the bureaucracy in Rome would be happy to see left alone. Although the pamphlet claims it should be regarded as a starting point, not as a finished product, it is rather elementary, even theologically, and cannot be compared, for example, to *A Muslim Commentary on the Universal Declaration of Human Rights* by Sultanhussein Tabandeh. The poor translation and convoluted language of the pamphlet *The Church and Human Rights* bear the stamp of most publications emanating from Rome.

As with much of the Catholic Church, there are many anomalies in the pamphlet. Much is made of "the evil of abortion," yet many regard the right of any woman to abortion as a human right. Few people will take seriously the statement equating abortion, contraception and sterilisation with genocide: "All these . . . poison human society," claims the pamphlet. But it would be a pity if people dismissed the publication because of the doctrinal excesses, for the Commission's work has been valuable in generating interest in the field of human rights even though the stand of the Church in some fields such as birth control often impedes the process of human rights.

It was interesting to read the stirring appeal for a greater participation in Church affairs by women, yet surely the Catholic Church should remove the "beam" from its own eye. Women are permitted no great power in the Church, and tread warily in the Vatican.

The pamphlet is heavy on moral aspirations yet light on practical methods. Unfortunately prayer or appeals to Christian values, as has been amply demonstrated, are no protection for human rights. As Pope Paul VI said in *Octogesima Adventes* 23 (1971) "Human Rights are still too often disregarded, if not scoffed at, or else they receive only formal recognition. In many cases legislation does not keep up with real situations; legislation is necessary, but it is not sufficient for setting up true relationships of justice and equality." The pamphlet claims "The Church has flung open her windows." There will be many in the fields related to human rights who wish she had.

In contrast to the above publication, a report compiled by the Catholic Commission for Justice and Peace in Rhodesia, *The Man in the Middle: Torture, Resettlement and Eviction*, is a document which

demonstrates how a national Commission for Justice and Peace works. This report had to be smuggled out of Rhodesia and published in Britain by the Catholic Institute for International Relations.

The document resulted from an earlier report circulated by church leaders entitled *An Appeal to Conscience*, which claimed that while the public had been made fully aware of the frequency and seriousness of assaults by African insurgents, the white community was "not aware of the frequency and seriousness of assaults committed by some members of the security forces and the effect these are having on the civilian population in the tribal areas." The dossier was compiled from reports received by the Commission from "the men in the middle," Africans living in the tribal areas, about the inhumane conduct and brutal methods of interrogation used by the Rhodesian (and South African) Security Forces. Only fully investigated and corroborated cases were included. There are great difficulties in investigating the reports. Access to the operational areas is strictly curtailed and many people are frightened to come forward. The Commission believes there are an unknown number of other cases which have not been reported. The report states: "It is notable that the only cases included in the dossier concern people who have not been charged or detained, innocents in the eyes of the law" (p. 3). The authors were aware of the report's shortcomings and accept that it neither gives all the facts on the incidents reported nor shows a full picture of events in the operational area. What it does provide however, is a damning indictment of the men, for the moment, in control of Rhodesia. As such this is an important document which deserves a wide readership.

In an age of violence, torture stands out as a special horror to most people. Amnesty International's *Report on Torture* is an up-dated and revised second edition of the work first published in 1973, and in reading its pages one agrees "that torture is a truly world-wide phenomenon that does not belong solely to one political ideology or to one economic system." The sections on the historical, medical, and legal aspects of torture presented in the first edition have been retained. This survey shows that 62 countries in the world today deliberately use torture. Policemen, doctors, scientists, judges, civil servants and politicians are involved, whether in direct beating, examining the victims, inventing new devices and techniques, sentencing prisoners on extorted false confessions, officially denying the existence of torture, or using torture as a means of maintaining their power. The report claims: "Torture is not simply an indigenous activity, it is international; foreign experts are sent from one country to another, schools of torture explain and demonstrate methods, and modern equipment used in torture is exported from one country to another" (p. 21). One does not have to possess the unfashionable title of "idealist" to be sickened and depressed by this book, yet it should be read by anyone in any way concerned with international studies. We who are engaged as students, lecturers or practitioners of some aspect of international relations too often look at the whole picture, the limited war to prevent global war

say, not to question what goes on within "the domestic jurisdiction of a state," for fear of upsetting some delicate détente, trade deal or military agreement. Yet most who directly authorise torture are welcomed in the capitals of the world as if they were normal human beings; or as was recently shown by standing ovations at the United Nations, the very place where respect for human rights should be sacrosanct. There are always propagandists prepared to defend a régime that is brutally evil; this is what makes the work of Amnesty so important and, no doubt, so depressing. As the report says: "It is significant that torture is the one form of violence today that a state will always deny and never justify" (p. 21). The report does not avoid the philosophic argument, so increasingly used, of "a lesser evil for a greater good," but cogently claims:

The arguments against torture rest essentially on moral grounds, and yet man's historical experience provides a very practical argument. Nowhere is the argument that the means corrupt the end more true. History shows that torture is never limited to "just once": "just once" becomes once again—becomes a practice and finally an institution. As soon as its use is permitted once, as for example in one of the extreme circumstances like a bomb, it is logical to use it on people who might plant bombs, or on people who might think of planting bombs, or on people who defend the kind of person who might think of planting bombs.

The report suggests that the example of Algeria is a classic case, but one need only take note of the reaction by some sections to recent events in Britain to see how valid this argument is.

Although it covers 62 countries, the report makes clear that if countries are not included it does not mean that torture is not practised there. It is often difficult to gain access and authenticate instances of torture. Hence the Uganda section, for instance, is much smaller than the well documented section of Northern Ireland.

Few concerned with the protection of human rights would disagree with the claim: "We are still in a world ruled by power politics; the effective power of those individuals and organisations who defend human rights is as yet no match for the state. Even though most nations now worry about the international reaction when they ill-treat their citizens, the right of the individual to be free from torture remains a right without an international remedy" (p. 71).

The report is highly critical of the U.S. action regarding the Greek Colonels:

The self-declared interests of the U.S. in Greece are strategic—it needs bases and facilities for stability... The Greek military régime... more than met these requirements, providing new bases and facilities in the high stability of a dictatorship. Consequently the régime... enjoyed the effective support of the U.S. government throughout... For the U.S. government the issue of torture has been a totally peripheral one... (p. 81).

Small wonder that the U.S. is so unpopular in the post-colonels' Greece. It is illustrative to read this section in conjunction with the article "United States Foreign Policy Towards Authoritarian Régimes in the Mediterranean" in *Millennium*, Vol. 4, No. 1. Special note should be taken of reference No. 40, where the author says: "The question of training of the police, gendarmeries, special investigating units of the armed forces, etc., of authoritarian and totalitarian régimes by the United States at such agencies as the International Police Academy requires investigation." When Senator Frank Church and his Select Committee finish with the CIA perhaps they should turn their attention to the IPA.

The report concludes, "At present there exist few effective ways of stopping torture," but Amnesty issues the timely reminder: "In International law, the doctrine of individual responsibility was firmly laid down a long time ago, at Nuremberg." Now the international community has to try and work out effective remedies for the prevention of torture, whether psychological or physical. This will not be easy, as the recent attempts by the UN to agree on an international code of police ethics have shown. But Amnesty has played an important part not only by the careful documentation of known cases of torture presented in this report, but by its work in general on behalf of prisoners of conscience. It would be a great pity if recent reports about internal dissension within Amnesty International made its work any less respected or effective. Naturally in a few states the book has been overtaken by events since the second edition went to press, nevertheless the document makes grim reading: and of all the publications reviewed here, this Amnesty International *Report on Torture* is the most essential.

It is sometimes hard for us who claim an interest in the protection of human rights, to appreciate the predicament of those victims on whose behalf we profess to work. It is a long way from the abstract setting of a university seminar on the protection of human rights to the sights, sounds and smell of a torture cell. The humiliation, degradation, brutality and sheer inhumanity is all hauntingly portrayed in *Diary of a Chilean Concentration Camp* by Hernán Valdés. As Valdés remarks in his foreword:

Reports of the genocide, physical torture, mass psychological terror and subsequent exploitation of the working classes for which the leaders of the Chilean military coup of 11 September 1973 are responsible have received wide publicity. But the sheer magnitude of the casualty figures has often had the curious effect of turning the victims' real, immediate drama and their persecutors' conduct into something abstract. This book has the added aim of giving those facts flesh-and-blood reality (p. 5).

Valdés has fulfilled this aim. His book makes gripping reading which most people will feel compelled to finish at a single sitting.

On a February evening in 1974, members of the Chilean secret police burst into Valdés' home, ransacked it, blindfolded him and, at gunpoint,



rushed him off to jail. Later he was taken to Tejas Verdes: this was a special interrogation camp where, according to the Amnesty *Report on Torture*, the largest number of individual cases of torture in Chile have been documented. The Commander of Tejas Verdes was also the head of DINA—Directorio Nacional De Inteligencia—the Junta's own intelligence service set up at the end of 1973.

Valdés would be the first to admit that his experience was not the most shattering, his torture not the most sadistic and his humiliation not the greatest under the régime that now controls Chile. Indeed Valdés was a member of that small group that are internationally known: the Solzhenitsyns and Panovs of this world have supporters who make their plight known and can bring international pressure to bear on the authorities. Valdés wonders at times during his imprisonment what the international community is doing to secure his release: has it even learnt of his arrest? The real despair and humiliation is inflicted upon the nameless thousands who are without hope or recognition. Yet Valdés has portrayed in this compelling book the awful physical conditions, the tensions and friendships among the prisoners, the mindless cruelty of the guards, the long drawn out uncertainty, the overpowering feeling of humiliation and finally the dreadful process of interrogation, in which torture was freely used. What this book portrays is an individual's emotion in this situation discovered through the observant eye of a novelist.

The book makes sad, depressing but essential reading especially for apologists for régimes, now and in the future, such as that at present in control of Chile. For all interested in human rights, this account by one man of his experiences is the essence of what the protection of human rights is all about.

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Chris Cook and John Paxton, *European Political Facts: 1918-1973* (London: Macmillan, 1975. 363 pp. £10.00.)

*European Political Facts* is certainly a good title for a reference book. Many people, professional and lay, want to remind themselves of, or simply find out about, what happened in European politics at different times in the past half-century without having to wade through a conventional history book on the subject, where it is often difficult to find the single political fact one is looking for.

However, I fear this book has quite a few practical snags for the non-specialist user. In the first place, it tends not to set out facts in the form of events. It is little use, for example, trying to find out when